

**PATENT**

Attorney Docket No. GAR1756.03A

Applicant: WILLIAM A. GARDNER, STEPHAN V. SCHELL  
Ser. No.: 08/729,625  
Title: GMSK SIGNAL PROCESSORS FOR IMPROVED COMMUNICATIONS CAPACITY AND QUALITY  
Filed: OCTOBER 10, 1996  
Group:  
Examiner:

### **COMBINED DECLARATION AND POWER OF ATTORNEY**

*(ORIGINAL, DESIGN, SUPPLEMENTAL, NATIONAL STAGE OF PCT, DIVISIONAL,  
CONTINUATION OR CONTINUATION-IN-PART)*

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As a below named inventor, I hereby declare that:

#### **TYPE OF DECLARATION**

This declaration is of the following type:

- ☒ original (regular)
- ☐ design
- ☐ supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation, or continuation-in-part, do not check the next item; check appropriate one of last three items.

- ☐ national stage of PCT
- ☐ divisional
- ☐ continuation
- ☐ continuation-in-part

#### **INVENTORSHIP IDENTIFICATION**

**WARNING:** If the inventors are each not the inventors of all of the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention described in

### SPECIFICATION IDENTIFICATION

- ☐ the specification filed herewith, with the title listed above.
- ☒ the specification identified above, and which was amended on \_\_\_\_\_ (if applicable).
- ☐ PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_, and amended under PCT Article 19 on \_\_\_\_\_ (if applicable).

### ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

### PRIORITY CLAIM (35 U.S.C. § 119(a)-(d))

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or under 35 U.S.C. § 365(b) of any PCT international application(s) designating at least one country other than the United States of America listed below, and have also identified below any foreign application(s) or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

- ☒ no such applications have been filed.
- ☐ such application have been filed as follows.

### PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)-(d)

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	FILING DATE (day, month, year)	PRIORITY CLAIMED UNDER 37 U.S.C. § 119	
			<input type="checkbox"/> YES	<input type="checkbox"/> NO
			<input type="checkbox"/> YES	<input type="checkbox"/> NO
			<input type="checkbox"/> YES	<input type="checkbox"/> NO
			<input type="checkbox"/> YES	<input type="checkbox"/> NO

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)  
(35 U.S.C. § 119(e))**

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional applications (s) listed below:

PROVISIONAL APPLICATION SERIAL NUMBER      FILING DATE OF PROVISIONAL APPLICATION


**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATIONS  
UNDER 35 U.S.C. 120**

(complete this part only if this is a divisional, continuation, CIP or national stage of PCT)

I/We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability under 37 C.F.R. § 1.56, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS  
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:**

**1. U.S. Applications:**

SERIAL NUMBER

FILING DATE


**2. PCT Applications Designating The U.S.**

PCT APPLICATION NUMBER

PCT FILING DATE

U.S. SERIAL NUMBER


### POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

(1)

John P. O'Banion

Registration No. 33,201

Attached as part of this declaration and power of attorney is the authorization of the above-named attorney to accept and follow instructions from my representative(s).

#### SEND CORRESPONDENCE TO:

John P. O'Banion  
GERBER, RITCHEY & O'BANION  
5441 Fair Oaks Boulevard  
Carmichael, California 95608

#### DIRECT TELEPHONE CALLS TO:

John P. O'Banion  
(916) 971-1010

### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

#### SIGNATURE(S)

Full name of sole or first inventor:

1-00  
WILLIAM A. GARDNER

Inventor's Signature:

William A. Gardner

Date:

9 Nov 1996

Country of Citizenship: UNITED STATES

Residence:

CA  
YOUNTVILLE, CALIFORNIA

P.O. Address: 6950 YOUNT STREET, YOUNTVILLE, CA 94599

Full name of second joint inventor, if any:

2-06  
STEPHAN V. SCHELL

Inventor's Signature:

Stephan V. Schell

Date:

9 Nov 1996

Country of Citizenship: UNITED STATES

Residence:

CA  
YOUNTVILLE, CALIFORNIA

P.O. Address: 1990 YOUNTVILLE CROSS ROAD, YOUNTVILLE, CA 94599

CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING ADDED PAGE(S) WHICH FORM A PART  
OF THIS DECLARATION

- ☐ Signature for third and subsequent joint inventors.  
Number of pages added \_\_\_\_\_.
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or  
incapacitated inventor.  
Number of pages added \_\_\_\_\_.
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized  
under 37 CFR 1.47.  
Number of pages added \_\_\_\_\_.
- ☐ Signature by one joint inventor on behalf of deceased inventor(s) where legal  
representative cannot be appointed in time under 37 CFR 1.47.  
Number of pages added \_\_\_\_\_.
- ☐ Authorization of attorney(s) to accept and follow instructions from representative.

☒ **This Declaration ends with this page.**



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Filed: OCTOBER 10, 1996  
Group:  
Examiner:

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) and 1.27(b))-INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for the purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention described in

☐ the specification filed herewith, with the title listed above.

☒ the application identified above.

☐ the patent identified above.

I have not assigned, granted, conveyed or licensed, and I am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or to any organization who would not qualify as a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

☐ no such person, concern, or organization

☒ persons, concerns or organizations listed below<sup>1</sup>

NAME: STATISTICAL SIGNAL PROCESSING, INC.  
ADDRESS: 6950 YOUNT STREET  
YOUNTVILLE, CA 94599  
☐ Individual ☒ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

<sup>1</sup> Separate verified statements are required from each named person, concern or organization having rights to an invention averring to their status as small entities (37 CFR 1.27).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Inventor: WILLIAM A. GARDNER

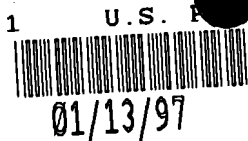
William A. Gardner  
Signature of Inventor

Date: 9 Nov 1996

Name of Inventor: STEPHAN V. SCHELL

Stephan V. Schell  
Signature of Inventor

Date: 9 Nov 1996



#3  
PATENT

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Filed: OCTOBER 10, 1996  
Group:  
Examiner:

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) AND 1.27(c) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: STATISTICAL SIGNAL PROCESSING, INC.  
ADDRESS OF CONCERN: 6950 YOUNT STREET  
YOUNTVILLE, CA 94599

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12 and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed, to and remain with the small business concern identified above with regard to the invention described in

- ☐ the specification filed herewith, with the titled listed above.
- ☒ the application identified above.
- ☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below<sup>1</sup> and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small

<sup>1</sup> Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).



business concern under 37 CFR 1.9(d) or by any organization which would not qualify as a nonprofit organization under 37 CFR 1.9(e).

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

☐ Individual    ☐ Small Business Concern    ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28)

I hereby declare that all statements made herein of my own knowledge are and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Dated: 9 Nov 1996

NAME OF PERSON SIGNING  
TITLE (OTHER THAN OWNER)  
ADDRESS

WILLIAM A. GARDNER  
PRESIDENT  
6950 YOUNT STREET  
YOUNTVILLE, CA 94599

SIGNATURE

William A. Gardner